

REMARKS

Claims 35-64 were presented and examined. In response to the Office Action, claims 35, 42, 44, 45, 52, 54, 55, 62 and 64 were amended and claims 43, 53, and 63 were cancelled. No claims are added. Reconsideration is respectfully requested in view of the remarks that follow.

I. Claim Rejections under 35 U.S.C. § 103

Claims 35-64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,510,832 of Garcia (Garcia) in view of U.S. Patent No. 6,157,396 of Margulis, et al. (Margulis).

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

With respect to the rejection of claim 35 under 35 U.S.C. § 103, this claim has been amended to recite “stereoscopically adapting the video data automatically from two-dimensional video to three-dimensional video in a video data source according to user preference information and capability information of a user terminal included in the usage environment information, wherein the capability information of the user terminal includes decoding capability and rendering method of the user terminal” (emphasis added). These amendments are supported, for example, by original claim 43 and page 11, lines 14 through page 13, line 18 of the Specification as filed. The Applicants submit that the combination of Garcia and Margulis fails to disclose these elements of amended claim 35.

In rejecting the elements of claim 43, which are now incorporated into claim 35, the Examiner cites column 6, lines 41-44 and 63-64 of Garcia to allegedly disclose these elements. See Final Office Action, Page 5. These sections of Garcia disclose that 3D video imaging can be used by a variety of technical and scientific disciplines. See Garcia, column 6, lines 41-44 and 63-64. Garcia further notes that existing computer systems may be modified

to include 3D functionality. See Id. However, Garcia fails to disclose adapting video data automatically from two-dimensional video to three-dimensional video according to capability information of a user terminal, because there is no discussion therein regarding adaptation of video based on the capabilities of a user terminal. It is unclear how these elements could possibly be read from these sections of Garcia as they appear to be completely unrelated.

Further, the Applicants have been unable to locate any sections of Garcia that disclose these elements of amended claim 35. Garcia generally discloses a system for converting a two-dimensional image into a three-dimensional image. See Garcia, Abstract. The resulting three-dimensional image is displayed on a user terminal. See Garcia, column 8, line 59 through column 9, line 12. However, Garcia does not disclose that the conversion is performed based on the capabilities of the user terminal, because Garcia is silent on this taking place.

Moreover, Margulis fails to cure the deficiencies of Garcia. Margulis discloses a system and method for modifying a video stream. See Margulis, column 10, 57-59; column 11, lines 5-8; and column 14, lines 6-30. In one particular embodiment, Margulis describes modifying a video stream that contains a hockey game. See Id. In this embodiment, the puck is highlighted according to a user's preferences (*i.e.* such that highlighting the puck is not objectionable to the user). However, Margulis does not disclose that the conversion is performed based on the capabilities of a user terminal that will show the modified video stream, because Margulis is silent on this taking place. Instead, Margulis only discloses that the video stream is modified to not be objectionable to the user without regard for the capabilities of a user terminal.

Thus, for at least the reasons described above, the combination of Garcia and Margulis fails to disclose these elements of amended claim 35. By adapting video data according the capabilities of a user terminal, the stereoscopic adaptation method of amended claim 35 can potentially reduce the size of the resulting video data source that will be output on a user terminal. For example, if a user terminal can only decode 8bit color video data, then the stereoscopic adaptation method will not encode the video data at a higher granularity (*e.g.* 16bit).

By failing to disclose these elements of amended claim 35, the combination of Garcia and Margulis fails to disclose each element of amended claim 35. According to MPEP

§2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Therefore, amended claim 35 is not obvious in view of the combination of Garcia and Margulis. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 35 on this basis.

With respect to the rejection of claims 45 and 55 under 35 U.S.C. § 103(a), these claims have been amended to recite elements analogous elements to those of amended claim 35. For at least the reasons discussed above in regard to the 35 U.S.C. § 103(a) rejection of claim 35, the combination of Garcia and Margulis does not disclose these elements of amended claims 45 and 55. Thus, the combination of Garcia and Margulis does not teach or suggest each element of amended claims 45 and 55. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 45 and 55 on this basis.

Claims 36-42, 44, 46-52, 54, 56-62, and 64 depend from independent claims 35, 45, and 55, respectively, and incorporate the limitations thereof. The Examiner’s argument assumes that Garcia and Margulis disclose all elements of claims 35, 45, and 55 which are incorporated in dependent claims 36-42, 44, 46-52, 54, 56-62, and 64. However, as discussed above, Garcia and Margulis do not disclose all the limitations of amended claims 35, 45, and 55. Therefore, claims 36-42, 44, 46-52, 54, 56-62, and 64 are not obvious in view of the cited references. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 36-42, 44, 46-52, 54, 56-62, and 64 on this basis.

II. Additional Amendments to the Claims

Based on the amendments to claims 35, 45, and 55, claims 42, 52, and 62 have been amended such that they are consistent with amended claims 35, 45, and 55. Moreover, claims 43, 53, and 63 have been cancelled as the elements of these claims have been incorporated into claims 35, 45, and 55, respectively. The Applicants respectfully request entry of these amendments and cancellations.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

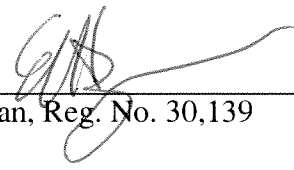
PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on June 22, 2010, Applicants respectfully petition Commissioner for a two (2) month extension of time, extending the period for response to November 22, 2010. The amount of \$245.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(2) small entity will be charged to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

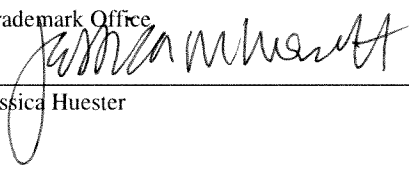
Dated: 11/22/2010


Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
Telephone (310) 207-3800
Facsimile (408) 720-8383

CERTIFICATE OF TRANSMISSION

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2010-11-22
Date